IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 9019 of 2004

Between:
P. Dasaradha Reddy, S/o. Ponnuswamy Reddy,
R/o. Aroor Village, Satyavedu Mandal, Chittoor District.
..... PETITIONER

AND

1 The Divisional Forest Officer, East Range, Stayavedu.
2 The Mandal Revenue Officer, Satyavedu Mandal, Chittoor District.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly one in the nature of Writ of Mandamus declaring the high handed action of the respondents in trying to evict him forcibly from the land of ac.4.84 cents (mango garden) comprised in Sy.No. 361/2 of Aroor Village, Satyavedu Mandal, Chittoor District is illegal, arbitrary and violative of Articles 14,21 and 300-A of the Constitution of India and against the Provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the mango garden of the petitioner situated in the above lands pending revision before the Joint Collector.

For the Petitioner: MR.V.SUDHAKAR REDDY, Advocate

For the Respondent No.1: GP FOR FORESTS

For the Respondent No.2: GP FOR REVENUE

The Court made the following :

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ORDER:

This writ petition has been filed by the petitioner viz. P. Dasaradha Reddy questioning the action of the respondents in forcibly evicting him from Ac.4-84 cents of dry land with mango garden situated in survey No.361/2 of Aroor village, Satyavedu Mandal of Chittoor District and consequently direct the respondents not to interfere with his possession and enjoyment of the said land pending disposal of the revision before the Joint Collector, Chittoor.

It is the case of the petitioner that he has been in possession and enjoyment of the land in question since 1973 and a pattadar pass book in respect thereof was also issued in his favour. It is alleged that to the eviction show cause notice issued by the second respondent-Mandal Revenue Officer under Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977, he submitted explanation, but without conducting proper enquiry the second respondent resumed the land in question in favour of the Government, by order dated 22-7-95, against which the petitioner filed an appeal under Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') before the Revenue Divisional Officer, Tirupathi, who dismissed the appeal upholding the orders of the Mandal Revenue Officer, by his proceedings dated 9-12-1997, against which he preferred revision before the Joint Collector, Chittoor, who granted status quo and the said revision is pending. It is alleged that pending revision, respondents 1 and 2 are trying to evict him from the land in question.

Assailing the impugned action of the respondents, the present writ petition is filed.

On instructions the learned Government Pleader for Revenue submits that the land in question is purely Government land, which was originally assigned in favour of one Hamsabai under DKT patta No.45/4/84 and the petitioner purchased the land in violation of the provisions of the Act, and hence after observing all the formalities and after affording opportunity to the petitioner, the assignment was cancelled and the land was resumed in favour of the Government in the year 1995 by the proceedings of second respondent-Mandal Revenue Officer, dated 22-7-1995. Aggrieved thereby, the petitioner filed an appeal before the Revenue Divisional Officer, Tirupathi, who by order dated 9-12-1997 dismissed the appeal upholding the order of the Mandal Revenue Officer, against which the petitioner preferred revision before the Joint Collector, Chittoor, who dismissed the revision by order dated 5-5-2003. He also submits that the land in question is under the control of Revenue Department and is classified as AWD and the mango produce available in the said land was referred to the Forest Department under orders of the District Collector, Chittoor during the year 2001 for disposal of mango crop through public auction and accordingly they are conducting public auction every year for disposal of mango produce since 2001.

The learned counsel for the petitioner seriously disputed the said argument of the learned Government Pleader for Revenue and submitted that there was stay granted during the pendency of all the proceedings before various revenue authorities, and all these years the petitioner by virtue of the said interim orders of stay has been and is in possession of the land in question. He also submitted that

against the orders of the Joint Collector, Chittoor, the petitioner filed further revision before the Principal Secretary, Revenue Department and the same is pending, and therefore, sought a direction to the respondents as well as to the Principal Secretary, Revenue Department not to dispossess him from the land in question till the revision is disposed of.

The learned Government Pleader for Revenue opposed the stand taken by the learned counsel for the petitioner and reiterated that the petitioner is not in possession of the land and the Government has already taken possession of the land in the year 2001.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and considering the facts and circumstances of the case and in view of the statement of the learned counsel for the petitioner that the petitioner filed a revision against the orders of the Joint Collector, Chittoor, dated 5-5-2003 and the same is pending with the Principal Secretary, Revenue Department, I deem it appropriate to direct the Principal Secretary, Revenue Department, Government of Andhra Pradesh, Hyderabad to dispose of the revision filed by the petitioner against the orders of the Joint Collector, Chittoor, dated 5-5-2003, in accordance with law expeditiously, if not already disposed of. Till disposal of the revision, status quo existing as on today with respect to possession of the land in question, shall be maintained.

With the above observations, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Date: 16-06-2004

Note:
Issue copy by next week
(Bo)
Svv/msv

To
1. The Principal Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Divisional Forest Officer, East Range, Stayavedu.
3. The Mandal Revenue Officer, Satyavedu Mandal, Chittoor District.
4. Two CCs. to Govt. Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).
5. Two CCs. to Govt. Pleader for Forests, High Court Buildings, A.P., Hyderabad (OUT)
6. Two CD copies